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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,642	06/27/2001	Kenneth H. Abbott	M1103.70784US00	1958
45840	7590	06/14/2011		
WOLF GREENFIELD (Microsoft Corporation) C/O WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			EXAMINER CLOUD, JOIYA M	
			ART UNIT 2444	PAPER NUMBER
			NOTIFICATION DATE 06/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/894,642	Applicant(s) ABBOTT ET AL.	
	Examiner Joiya M. Cloud	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66,67,71,74,75,77,78,82,174,175,181,184-191,193 and 194 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 66,67,71,74,75,77,78,82,174,175,181,184-191,193 and 194 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/2010, 02/25/2010, 03/17/2011 and 04/20/2011</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the communication filed on 02/17/2011.

66,67,71,74,75,77,78,82,174,175,181, 184-191, and 193-194 are PENDING in this application.

Applicant's arguments have been carefully considered but a moot in view of new ground(s) of rejection, necessitated by Applicant's substantial amendment (i.e. "*with one or more state client modules (SCMs) that process values for the state attributes...the computing generating a value characterizing*"), which have affected the scope thereof.

Response to Arguments

A) The reference does not disclose an intermediary module with an application programming interface to facilitate an exchange of state attributes with state client modules

As to the above point A), Examiner respectfully disagrees. Examiner submits further claim mappings col. 15, lines 52-col 16, lines 1-22.

B) Second, Jacobsen does not describe a computation that generates a value characterizing a physical activity of the user.

As to the above point B), Examiner respectfully disagrees. Examiner notes that lacking any specific definition of what constitutes a physical activity, a person of ordinary skill in the art would clearly recognize the process of losing blood as a physical activity (as well as those activities of being injured and suffering from hypothermia). Examiner advises Applicant to amend the instant claim to specify how it is determined that such activity is physical?

C) The Office Action equates the soldier unit with the thin client wearable computer. However, Jacobsen does not describe in any of the cited passages that the leader/medic unit provides a value indicating a physical activity of the user to the soldier unit.

As to the above point C), Examiner respectfully disagrees. Examiner submits col. 4, lines 1-8 and 40-60. See where Jacobsen discloses (when used by a medic, this unit enables the medic to view vital signs and other information about the injured soldier prior to actually examining the soldier. Thus, the medic is able to conduct an initial evaluation of the injured soldier while in transit to the soldier's location. Additionally, because the soldier unit also communicates with the command unit, medical personnel at a central command post can instruct the medic on diagnosis and treatment options as the medic is en route to the casualty.)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181, 184-191 and 193-194 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jacobsen et al. (US Patent No. 6,198,394 B1)**.

As per claims 66, Jacobsen discloses a method for operating a user characterization system which executes on a computer separate from a remote user wearing a thin client wearable computer to provide information about a current state of the remote user of a thin client wearable computer (**Figure 1 and col. 1, lines 35-53**), the user characterization system modeling the current state with multiple state attributes and including state server modules (SSMs) to supply values for the state attributes (**col. 3, lines 35-50**), and an intermediary module that comprises at least one Application Programming Interface (API) to facilitate exchange of state attribute values with one or more state client modules (SCMs) that process values for the state attributes, (**col. 15, lines 52-col. 16, lines 1-22**), the method comprising:

under control of each of at least one of the SSMs of the user characterization system, gathering information about the current state of the remote user wirelessly from the thin client wearable computer, generating values for at least one of the state attributes based on the gathered information, and sending the generated values to the intermediary module (**col. 6, lines 21-36, where Jacobsen teaches a soldier unit that gathers the received physiological data from the sensors and transmits it to the media unit in a remote location/medic unit**);

under control of the intermediary module of the user characterization system, facilitating exchange of values by, receiving the sent values for the state attributes from the SSMs (**col. 11, lines 40-50, col. 12, lines 40-44, col. 13, lines 17-28**);

automatically, with at least one processor, computing values of the other state attributes based at least in part on the sent values of the state attributes, the computing generating a value characterizing a physical activity of the user from the sent values be of the state attributes, the physical activity being at a higher level of abstraction and the sent values being at a lower level

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of abstraction (**col. 11, lines 40-50, col. 12, lines 40-44, col. 3, lines 57-col. 4, lines 1-10, and col. 13, lines 17-45**, Examiner notes that Applicant has provided no explicit definition further limiting the claim regarding a lower level of abstraction, but merely exemplifies the levels of abstraction as heart rate and EKG and location and speed physiological user conditions, see where Jacobsen discloses in the Abstract-heart rate values are abstracted and soldier positioning abstracted from the global positioning module, **col. 7, lines 21-31**);

sending at least some of the received state values and at least some of the modeled other state attribute values through the at least one API to an SCMs of the at least one SCMs, (**col. 11, lines 40-50, col. 12, lines 40-44, col. 3, lines 57-col. 4, lines 1-10, and col. 13, lines 17-45**);

and from the characterization system interacting with the thin client wearable computer the interacting comprising providing a value for at least one of the computed other state attributes to the thin client wearable computer, said value indicating the physical activity of the user (**col. 9, lines 11-19, col. 11, lines 40-50, col. 12, lines 40-44, col. 3, lines 57-col. 4, lines 1-10, and col. 13, lines 17-45**).

As per claim 67, Jacobsen further discloses wherein the thin client wearable computer includes an output device, and wherein the interacting with the thin client wearable computer includes sending information for presentation to the user on the output device (**Figure 3, col. 9, lines 20-49 and col. 11, lines 40-50**).

As per claim 71, Jacobsen, wherein the thin client wearable computer lacks resources accessible to the computer executing the user characterization system, and wherein the interacting with the thin client wearable computer includes receiving a request to access at least

one of the resources on behalf of the thin client wearable computer and accessing those resources in response (**col. 9, lines 15-20 and col. 10, lines 21-33**).

As per claim 72, Jacobsen further discloses wherein the at least one resources include processing capabilities of the computer executing the user characterization system, wherein the accessing of those resources includes using the processing capabilities on behalf of the thin client wearable computer, and including sending an indication of results to the thin client wearable computer (**col. 9, lines 15-20 and col. 10, lines 21-33**).

As per claim 74, Jacobsen further discloses wherein the at least one resources include a computer-readable storage medium of the computer executing the user characterization system, and wherein the accessing of those resources includes storing information received from the thin client wearable computer on the computer-readable storage medium (**col. 7, lines 13-23 and col. 4, lines 9-20**).

As per claim 75, Jacobsen further discloses wherein the computer executing the user characterization system has a sensor receiving information about the user of the remote thin client wearable computer, and wherein the gathering of the information about the current state of the remote user by at least one of the SSMs includes obtaining information from the sensor (**col. 6, lines 45-57**).

As per claim 77, Jacobsen further discloses wherein the gathering of the information about the current state of the user by at least one of the SSMs includes obtaining information from at least one sensor that is part of the thin client wearable computer (**Figure 1 and col. 6, lines 45-57**).

As per claim 78, Jacobsen further discloses further comprising processing based on the received values by at least one of the SCMs, the processing including supplying information to at least one output device that is part of the thin client wearable computer (**Figure 3 and col. 11, lines 40-50 and col. 13, lines 39-45**).

As per claim 82, Jacobsen further discloses wherein at least some of the SSMs are available to supply values for additional state attributes of a current state other than for the user, and wherein the intermediary module additionally sends values for the additional state attributes to SCMs (**col. 11, lines 29-39**)

As per claim 174, Jacobsen teaches wherein: the state attributes comprise a geographic location and speed, generating values under control of each SSM comprises generating values for the state attributes of geographic location and speed, abstracting the computing to generate the value characterizing the physical activity of the user includes in part deriving values from the sent values of the state attributes for the geographic location and the speed (**col. 11, lines 40-50, col. 12, lines 40-44, col. 3, lines 57-col. 4, lines 1-10, and col. 13, lines 17-45**, Examiner notes that Applicant has provided no explicit definition further limiting the claim regarding a lower level of abstraction, but merely exemplifies the levels of abstraction as heart rate and EKG and location and speed physiological user conditions, see where Jacobsen discloses in the Abstract-heart rate values are abstracted and soldier positioning abstracted from the global positioning module, **col. 7, lines 21-31**), and interacting with the thin client wearable computer comprises wirelessly transmitting the derived value characterizing the physical activity of the user to the thin client wearable computer from the user characterizing the physical (**col. 9,**

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lines 11-19, col. 10, lines 38-44, col. 14, lines 50-60, col. 11, lines 40-50, col. 12, lines 40-44, col. 3, lines 57-col. 4, lines 1-10).

As per claim 175, Jacobsen teaches wherein the computing to generate the value characterizing the physical activity of the user comprises characterizing or inferring from the sent values of the state attributes that the user's current activity comprises talking (**col. 8, lines 8-16 and see col. 13, lines 38-45**).

As per claim 181, Jacobsen teaches wherein the value characterizing the physical activity of the user is derived in part from sent values of the state attributes based in part on ambient environmental information (**Abstract, col. 8, lines 50-65 and col. 16, lines 9-22**).

As per claims 184 and 185, Jacobsen teaches further comprising abstracting the transient physiological condition of exercising and of talking (**col. 6, lines 25-29 and col. 2, lines 50 -55**).

As per claim 190, Jacobsen teaches receiving data about the environment of the remote user from the fixed sensors coupled to the first computer and from remote sensors operating at the remote location (**col. 8, lines 45-64**); obtaining first values for at least one of the state attributes based on the data received from the fixed and remote sensors (**col. 9, lines 7-33**); automatically modeling second values of other state attribute based at least in part on the first values, the second values modeled by abstracting a transient physiological user condition derived from the first value, the first value being from a lower level of abstraction than the second values; and transmitting information about the current state of the remote user from the system to the mobile computer, the information about the current state including at least one of the second values (**col. 9, lines 7-33 and col. 11, lines 50-61, col. 9, lines 7-20, and col. 13, lines 17-46**).

As per claim 193, as per claim 193, claim 193 is substantially the same as claim 66 but in system form rather than method form. Therefore, the rejection for claim 66 applies equally as well to claim 193.

As per claim 194, Jacobsen teaches where: the system further comprises the mobile computer includes an output device, and interacting with the thin client wearable computer includes sending information about the current state for presentation to the remote user on the output device (**Figure 3, col. 9, lines 20-49 and col. 11, lines 40-50**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 186-189 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jacobsen et al. (US Patent No. 6,198,394 B1)** in view of **Grube et al (U.S. Patent No. 6,031,455)**.

As per claim 186, Jacobsen teaches a system that communicates wirelessly with a mobile computer at a remote location to provide information about a current state at the remote location, the current state modeled with the multiple state attributes, the system comprising: a receiver; a

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transmitter; a processor configured to execute computer-executable instructions for performing a process of: obtaining first values for at least one of the state attributes based on sensor data wirelessly received from the mobile computer through the receiver (**col. 9, lines 8-33 and col. 14, lines 37-44 and col. 11, lines 50-61, col. 9, lines 7-20, and col. 13, lines 17-46**); modeling a second value of a second state attribute based at least in part on the first values, the second values modeled by selecting a value characterizing a user activity from a set comprising driving and walking (**the claim lacking any specific mention of how second values are modeled is interpreted as recited in the instant claim, as being "*modeled by abstracting a user activity derived from the first values, the first values being a lower level of abstraction than the second value,*" Jacobsen teaches in col. 14, lines 23-26 and lines 38-49 abstracting a user activity derived from first values**)

Jacobsen does not explicitly teach providing at least a portion of the current state from the system, the at least a portion of the current state including the second value indicating the user activity.

Grube teaches providing at least a portion of the current state from the system, the at least a portion of the current state including the second value indicating the user activity (**col. 3, lines 4-26**).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Jacobsen to the teachings of Grube for the purpose of providing feedback to a user (**col. 3, lines 27-39**).

As per claim 187, Jacobsen teaches wherein the current state is the current state of a remote user of the mobile computer (**col. 9, lines 20-33**).

As per claim 188, Jacobsen teaches wherein the remote computer is a thin client computer that is wearable by the remote user and has an output device for presenting the information about the current state of the remote user received from the system (**col. 9, lines 20-33**).

As per claim 189, Jacobsen teaches wherein the providing at least one portion of the current state comprises wirelessly transmitting the portion of the current state through the transmitter from the system to the mobile computer, and the remote computer is a thin client computer that is wearable by the remote user and has an output device for presenting the information about the current state of the remote user received from the system (**col. 9, lines 20-33**).

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

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June 6, 2011

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444